

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NETRAYA L. RICE and VIRGINIA L.)	
REED, individually and on behalf)	
of others similarly situated,)	
)	
Plaintiffs)	
)	No. 3:12-1192
v.)	Judge Campbell/Brown
)	Jury Demand
CELLCO PARTNERSHIP d/b/a)	
VERIZON WIRELESS,)	
)	
Defendant)	

O R D E R

A case management conference was held in this matter on February 25, 2014. The parties submitted a joint status report and a proposed scheduling order (Docket Entry 66).

Presently pending in this case is a motion to certify the class under Rule 23(b)(3) (Docket Entry 34), which Judge Campbell has taken under advisement (Docket Entry 54). The current deadline for briefing this issue is March 3, 2014 (Docket Entry 57).

Notices to the perspective class have gone out and the deadline for potential plaintiffs to opt in is **March 26, 2014**. The parties advised that they have undertaken serious settlement negotiations, but they will not be able to conclude those negotiations until they know the size of the opt in class. At the present time approximately 35 individuals have opted in.

Rather than entering a detailed scheduling order at this point, a further telephone conference is set to discuss alternative dispute resolution and a scheduling order with a recommended trial

date near the end of 2015. The conference is set for **April 16, 2014**, at **2:00 p.m.** To participate in the conference call, parties will call **615-695- 2851 at the scheduled time.** The parties should submit, at least **one day** prior to the telephone conference, a report on their efforts to resolve the case and a proposed scheduling order.

At the suggestion of the Magistrate Judge, Plaintiff has agreed to withdraw the present motion to certify the class under Rule 23(b)(3) (Docket Entry 34) pending the efforts of the parties to resolve this case. In the event the parties are not able to resolve the case, Plaintiff may reinstate this motion by notice to the Court after the April 16th case management conference, and the parties will have until **May 5, 2014**, to submit their briefs on the preemption issue.

It is so **ORDERED.**

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge